THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.13214 of 2007

Date 25-6-2007

Between:
The Divisional Forest Officer,
Kothagudem Division,
Khammam District and another . .....
PETITIONERS

AND

P. Guravaiah
.....RESPONDENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.13214 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

The Department filed the present writ petition seeking a Writ of Certiorari to call for the records relating to and connected with the orders dated 3.4.2007 made in O.A. No.7395 of 2006, on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same.

The facts in brief are that the respondent herein was working as Deputy Range Officer. While so, he was posted as Deputy Range Officer of Medlamadugu of Kothagudem Range. According to the respondent, there were no quarters at Medlamadugu, therefore, he claimed H.R.A. and T.H.R.A. for the period from November,2001 to October, 2003. He also submitted several representations to the authorities in that regard. However, on 31.10.2003, he retired from service on attaining the age of superannuation. When no action was taken by the authorities on the representation filed by him, the respondent filed the above O.A. before the Tribunal seeking directions to the authorities for payment of H.R.A. and T.H.R.A. from November, 2001 to October, 2003 together with interest at 18% per annum. The Tribunal, by the order, impugned in this writ petition allowed the O.A. with a direction to the authorities to pay the H.R.A. to the respondent from November, 2001 to 31st October, 2003 with interest at 8% per annum within eight weeks from the date of receipt of a copy of that order. It further directed the State Government to recover the interest amount from the officers who are responsible for denying the HRA to the applicant. Aggrieved, the Department filed the present writ petition.

There is no dispute about the fact that there are no quarters at Medlamadugu. Even though there are quarters at Gangaram, but, it is not the headquarters of the respondent. There is also no material on record to show that the respondent has ever been allotted with any such quarter. Even though there are quarters at Gangaram, but, it is not headquarters of the respondent. Further, there is no order directing the respondent to occupy the quarters at Gangaram, in the absence of which, he cannot be deprived of HRA. The Tribunal, taking all these factors into consideration, rightly directed the authorities for payment of H.R.A. to the respondent for the period from November, 2001 to 31st October, 2003.

In the circumstances, we do not find any illegality or irregularity in the order of the Tribunal warranting interference. The writ petition fails and the same is accordingly dismissed. No costs.

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T. MEENA KUMARI,J

DATE: 25th June, 2007

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G. CHANDRAIAH,J

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